

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM**

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 06-00104-001
Plaintiff,	)	
	)	
vs.	)	<b>DECLARATION IN SUPPORT OF PETITION</b>
	)	
MYUNG SUG KIM,	)	
Defendant.	)	
_____	)	

**Re: Violations of Supervised Release Conditions; Request for a Warrant**

I, U.S. Probation Officer Maria C. Cruz, am the U.S. Probation Officer assigned to supervise the Court-ordered conditions of supervised release for Myung Sug Kim, and in that capacity declare as follows:

On August 5, 2008, Myung Sug Kim was sentenced by Chief Judge Frances M. Tydingco-Gatewood for the offense, to wit: Count I - Criminal Conspiracy, in violation of 18 U.S.C. §§ 2 and 371. He was ordered to be imprisoned for time served (approximately 222 days) with two years of supervised release to follow. Mr. Kim's term of supervised release commenced on August 5, 2008 and is scheduled to terminate on August 4, 2010.

Mr. Kim is alleged to have committed the following violations under *18 U.S.C. § 3583(d)*:

**Mandatory Condition:** *The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.*

**Special Condition No. 1:** *The defendant shall self-surrender to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. § 3583(d), and with the established procedures provided by the Immigration and Naturalization Act under 8 U.S.C. § 1101. As a further condition of supervised release, if deported, the defendant shall remain outside and shall not re-enter the United States without the permission of the Attorney General. If deportation fails to occur and the defendant is released pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release.*

On August 8, 2008, this Probation Officer was assigned to supervise Mr. Kim. On August 11, 2008, various collateral contacts were made concerning Mr. Kim's whereabouts so he could be processed for supervision. A conversation with a correctional officer at the Hagatna Detention Facility revealed that Mr. Kim was released from custody on August 5, 2008. Contact was then made with Attorney Samuel Teker who stated that he has not heard from Mr. Kim and did not have

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an address for Mr. Kim. Mr. Teker indicated that Mr. Kim was released from custody and had provided a telephone number at the Sentencing hearing. Contact was made with Deportation Officers Juan Blas and James Lujan who reported that Mr. Kim had not self-surrendered to the Bureau of Immigration and Customs Enforcement, Department of Homeland Security, for deportation proceedings. This Officer telephonically contacted the woman whose number was provided by Mr. Kim at his Sentencing hearing and whom he stated was his girlfriend. The woman related that Mr. Kim called and asked to be picked up, however, she could not due to the unavailability of a vehicle. The woman indicated that she has not heard from Mr. Kim since August 5, 2008. She acknowledged they ended their relationship about a year earlier and she would not have permitted him to live with her because of their past tumultuous relationship. As of this writing, Mr. Kim has not reported to the U.S. Probation Office.

**Supervision Compliance:** Mr. Kim was placed on supervised release on August 5, 2008, and he has absconded from supervision.

**Recommendation:** This Officer respectfully requests that the Court issue a Warrant for Myung Sug Kim and upon its execution, he appear at a hearing to answer or show cause why supervised release should not be revoked, pursuant to 18 U.S.C. § 3583(e)(3).

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Executed this 26<sup>th</sup> day of August 2008, at Hagatna, Guam, in conformance with the provisions of 28 U.S.C. § 1746.

Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON  
Chief U.S. Probation Officer

By:  /s/ MARIA C. CRUZ  
U.S. Probation Officer

Reviewed by:

 /s/ CARMEN D. O'MALLAN  
U.S. Probation Officer Specialist

cc: Karon V. Johnson, AUSA  
Samuel S. Teker, Defense Counsel  
File